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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,753	11/26/2003	Richard Timothy Orioles	ORI-1	7302
20808	7590	03/17/2006	EXAMINER	
BROWN & MICHAELS, PC 400 M & T BANK BUILDING 118 NORTH TIOGA ST ITHACA, NY 14850			BRADEN, SHAWN M	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/722,753	ORIOLES, RICHARD TIMOTHY	
	Examiner	Art Unit	
	Shawn M. Braden	3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claims 1,2,11,12 objected to because of the following informalities: "each such pan body" should be shortened to "pan body". Appropriate correction is required.
2. Claim 10 objected to because of the following informalities: Claim 10 references itself. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1&6 are rejected under 35 U.S.C. 102(b) as being anticipated by Wei (USPN 3,369,691).

With respect to claim 1, Wei shows a plurality of stackable pan bodies (10), each of such pan bodies having an open interior defined by contiguous side walls (14) and a base, the base defining a bottom (32) of each such pan body with an open top opposite therefrom;

Each pan body (12) further comprising a locking system, Wei uses a bayonet system for connecting said pan bodies (12). Wei's three pins (78) meet applicants requirement for, at least one lock element on an outside surface of the side walls (14)

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adjacent the base, and Wei's slot portion meet applicants structure of at least one interlocking element on the side walls in the open interior, adjacent the open top;

Such that a pan body (12) can be connected to another pan body (12b) stacked above it and can be connected to another pan body (12c) stacked below it by interlocking the lock elements on one pan with the interlocking elements of another pan as clearly shown in (fig.1).

With respect to claim 6. Wei shows the lock elements comprise radial pins (78) and a interlocking elements (25) comprise bayonet joints (col. 2 ln 40-55).

5. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Lisch (USPN 5,671,856).

With respect to claim 1, Lisch shows a plurality of stackable pan bodies (10), each of such pan bodies having an open interior defined by contiguous side walls (14) and a base, the base defining a bottom (20) of each such pan body with an open top opposite therefrom;

Each pan body (12) further comprising a locking system (fig. 6) for connecting said pan bodies (12). Lisch element (52) meets applicants requirement for, at least one lock element on an outside surface of the side walls (14) adjacent the base, and Lisch's portion (46) meet applicants structure of at least one interlocking element on the side walls in the open interior, adjacent the open top;

Such that a pan body (12) can be connected to another pan body (12) stacked above it and can be connected to another pan body (12) stacked below it by interlocking

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the lock elements on one pan with the interlocking elements of another pan as clearly shown in (fig.1).

With respect to claims 2,12, Lisch shows a base portion of each pan body (12) is nestable in the open top (16) of a pan body stacked below (fig. 1).

With respect to claims 3,13, Lisch shows a pan body (12) provides a lid for the open top (16) of a pan body stacked below when nested in the open top (16) of said pan body (12) stacked below (fig. 1).

With respect to claim 4, Lisch shows a lid (30), the lid (30) connecting via the locking system (fig. 6) to the top of a pan body (12) and covering the open top of said pan body (12).

With respect to claim 5, Lisch shows the lid (30) comprises a portion nestable in the open top of the pan body it covers (fig. 1).

With respect to claim 6, Lisch shows the interfacing locking elements (46) and (54) include radial pins (68) located proximate the base of each pan body (12) and bayonet joints located proximate the top of each pan body. Examiner considers the locking system of Lisch to have the structure of a bayonet joint.

With respect to claims 7,17, Lisch shows each pan body (12) has at least one vent (24) proximate its top for releasing gases generated in its interior. Examiner considers Lisch's finger hole (24) to have the structure and recitation of applicant's vent.

With respect to claims 8,18, Lisch shows the at least one vent (24) will be adjacent a base portion of an upper pan body, when said upper pan body (12) is nested in the open top of the pan body where the vent is located (fig. 1).

With respect to claim 9, Lisch shows the pan bodies (12) are round, and said locking system (fig. 6) allows a pan body (12) above to be connected to a pan body (12) below by placing a base portion of said pan body above in the open top of the pan body stacked below and rotating at least one of said pan body above and the pan body below (fig.3).

With respect to claims 10,19, Lisch shows a pan body (12) has a knurled rim around its open top for gripping and rotating the pan body. Examiner views Lisch's elements (48) and (52) to have the structure and recitation of applicants knurled rim for gripping and rotating. In (fig. 6) Lisch's elements (48)(52) are shown to have knurling marks.

With respect to claim 11, Lisch shows a plurality of stackable pan bodies (12), each of such pan bodies (12) having an open interior defined by contiguous side walls (14) and a base, said base defining a bottom (20) of each pan body with an open top opposite therefrom;

A locking system (fig. 6) for connecting said pan bodies (12) such that a pan body (12) can be connected to another pan body (12) stacked above it and can be connected to another pan body (12) stacked below it (fig. 1);

Wherein the pan bodies (12) are round, and said locking system (fig. 6) allows a pan body (12) above to be connected to a pan body below by placing a base portion of said pan body (12) above in the open top of the pan body stacked below and rotating at least one of said pan body (12) above and said pan body (12) below (fig. 3).

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With respect to claim 14, Lisch shows a round lid (30) with an insertion portion (44) nestable in the open top of a pan body (12) it covers, the lid (30) connecting via said locking system to the top of a pan body (12) and covering the open top of said pan body (12) (fig.1).

With respect to claim 15, Lisch shows the locking system (fig. 6) includes interfacing locking elements (46) and (54) positioned proximate the base and top of each pan body (12).

With respect to claim 16, Lisch shows the interfacing locking elements (46) and (54) include radial pins (68) located proximate the base of each pan body (12) and bayonet joints located proximate the top of each pan body. Examiner considers the locking system of Lisch to have the structure of a bayonet joint.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn M. Braden whose telephone number is (571)272-8026. The examiner can normally be reached on Mon-Thurs 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smb


JES F. PASCUA
PRIMARY EXAMINER